

UNITED STATES DISTRICT COURT

for the

District of Hawaii

Honolulu Division

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
17 Sept. 2023 8:07 AM ls  
Lucy H.Carrillo, Clerk of Court

CC: KJM/Filer (by email) ls

Yasmeen H. Al-Farouk, Pro Se

*Plaintiff(s)*

-v-

State of Hawaii; Hawaii State Department of Labor &  
Industrial Relations; JADE BUTAY, in his capacity as  
Current Director, ANNE PERREIRA-EUSTAQUIO, in  
her capacity as Former Director, DEBRA DAWN in her  
capacity as Appeals Officer, GOVERNOR JOSHUA  
BOOTH GREEN, as head of State Agencies in Hawaii

*Defendant(s)*

Case No. Civil 23-00385-LEK-KJM

Jury Trial: (check one) ☐ Yes ☒ No

**COMPLAINT for DAMAGES**

Violation of Federal Civil Rights, The Due Process  
Clause of the 14th Amendment of the United States  
Constitution. (42 U.S.C. & 1983)

Hawaii Sovereign Immunity Waiver HRS 662-2  
**NEGLIGENCE**

**UNEMPLOYMENT INSURANCE FRAUD**

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(28 U.S.C. § 1332; Diversity of Citizenship)**

The Plaintiff, Yasmeen Al-Farouk is a citizen of the State of Nevada.

All Defendants,  
State of Hawaii Department of Labor & Industrial Relations,  
and individuals Jade Butay, Anne Perreira-Eustaquio, Debra Dawn, and Joshua Green are citizens of the  
State of Hawaii

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Name	Yasmeen Hassana Al-Farouk		
Address	784 Spotted Eagle Street		
	Henderson	NV	89015
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Clark		
Telephone Number	702-272-8902		
E-Mail Address	osaasremote@gmail.com		

**B. The Defendant(s)**

Defendant No. 1

Name	Jade Butay		
Job or Title <i>(if known)</i>	Director		
Address	830 Punchbowl Street		
	Honolulu	HI	96813
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Honolulu		
Telephone Number	808-586-8854		
E-Mail Address <i>(if known)</i>	dlir.director@hawaii.gov		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Anne Perreira-Eustaquio		
Job or Title <i>(if known)</i>	Former Director		
Address	830 Punchbowl Street		
	Honolulu	HI	96813
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Honolulu		
Telephone Number	808-586-8854		
E-Mail Address <i>(if known)</i>	dlir.director@hawaii.gov		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 3

Name	Debra Dawn		
Job or Title <i>(if known)</i>	Appeals Officer		
Address	ESARO 830 Punchbowl Street Room 429		
	Honolulu	HI	96813
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Honolulu		
Telephone Number	808-984-2400, ext. 6-8930		
E-Mail Address <i>(if known)</i>	dlr.esaro@hawaii.gov		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 4

Name	Joshua Booth Green		
Job or Title <i>(if known)</i>	Governor of Hawaii		
Address	Executive Chambers, State Capitol, 415 S Beretania Street		
	Honolulu	HI	96813
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Honolulu		
Telephone Number	808-586-0034		
E-Mail Address <i>(if known)</i>			
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Due Process Clause of the 14th Amendment of the United States Constitution.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All Defendants either directly, or indirectly as a responsible party representing DLIR, violated Civil Rights 14th Amendment Due Process clause of the Constitution, HRS Chapter 383 Hawaii Employment Security Law, and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

While in Nevada with the inability to return to full-time employment in Hawaii due to COVID restrictions. Hawaii PUA and UI were involved in many and varied events occurring from October 7, 2020 through August 31, 2023 during a nearly three year period of the non-payment and mismanagement of my application for Pandemic Unemployment Assistance benefits.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

September 1, 2019 I was a full time on site 1099 contractor and around November of 2019, I began working temporarily worked via remote because of having to leave the state for a family matter with the intention of returning around late February/March. I worked via remote until May 1, 2020. In the process of planning for my return concerns about COVID began to surface and restrictive measures were voluntarily instituted by some businesses then mandated which led to my inability to return to work in Hawaii and my eventual unemployment. First I applied in Nevada and was denied and instructed to apply for PUA in Hawaii, which I did and received a monetary determination confirming eligibility on October 7, 2020.

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

I received several denials, stating "I am eligible for PUA" "I am not eligible for PUA because I am not unemployed, partially employed....ect.", "I may be eligible for regular unemployment benefits", "I am eligible for regular unemployment benefits", "I am not eligible for regular unemployment benefits" and the last one denying PUA benefits. I worked for less than two months through a staffing agency W2 or as an employee. I knew I wasn't eligible for regular UI because, one I didn't have enough earnings and two, I voluntarily separated from this job. None-the-less a claims agent on a call with her supervisor acknowledged that I wasn't eligible for regular unemployment benefits but told me they needed me to provide a denial letter from UI and then they could pay my PUA benefits. They instructed me to register for UI, once I was denied and received a denial letter, I was to submit it as proof to PUA and my benefits would be paid. The system wouldn't allow the double registration of PUA and UI. It took them another three months to resolve the issue. Instead of being denied, I received a determination stating I qualified, but no monetary information, nothing happened after that. Regular UI never provided a monetary determination and after contacting local representatives, the mayor, the governor, and anyone else I could think of I was interviewed by two agents and finally got a denial letter from UI after more than a year. PUA ignored my many pleadings. Director Perrieira-Eustaquio was advised and aware of the issues surrounding my claim and did nothing to resolve. I filed 2 appeals, but no hearing was scheduled until recently. I received a notice for a sham of a hearing on August 31, 2023, from Debra Dawn nearly three years later expecting me to go through a process of potential denial, appeal, and judicial review through the court. During the hearing I advised of my intention to pursue legal action and offered to settle the matter outside of court, but no one contacted me to discuss settlement

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The events have caused the Plaintiff an enormous amount of emotional and mental anguish, financial stress and frequently bouts of depression.

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff is requesting the maximum amount of monetary remedy available for damages that occurred under U.S. Code 42 1983 for the deprivation of Plaintiff's constitutional rights secured under the "Due Process Clause" of the United States Constitution. Punitive Damages more than \$100,000.00. \$100,000.00 for unemployment insurance fraud and negligence. And other and further relief as the Court deems just and proper.

As a result of the failure in the management of the claim for "emergency" unemployment benefits the Plaintiff exhausted all savings, charged and defaulted on credit cards resulting in a negative credit score, and had to borrow money from family to cover basic living expenses including rent, utilities, and food. Eventually, Plaintiff lost all household furniture contained in a three-bedroom 2-bathroom home. Plaintiff had to depend of food banks and government assistance for food. Plaintiff was also forced to stay with various friends and family members until being able to rent a room in a shared residence with family members. Plaintiff is still unable to rent her own separate residence due to the decimation of her credit score. Plaintiff cannot afford security rental expense required for her low credit score category.

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